



10 JAN 2006

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In re Application of  
SAVICKI  
U.S. Application No.: 09/979,527  
PCT No.: PCT/US99/13212  
Int. Filing Date: 10 June 1999  
Priority Date: None  
Attorney's Docket No.: 492.188  
For: CLOSURE DEVICE

DECISION ON PETITION

UNDER 37 CFR 1.182

This decision is in response to applicant's facsimile correspondence filed 18 November 2005 in the United States Patent and Trademark Office (USPTO). The correspondence is being treated as a petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) filed 19 November 2001. As authorized, the \$400.00 petition fee will be deducted from deposit account no.: 03-2270.

### **BACKGROUND**

On 10 June 1999, applicant filed international application PCT/US99/13212. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001.

On 16 November 2001, applicant filed a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371 accompanied by: payment of the U.S. Basic National Fee; an executed combined declaration and power of attorney; an Information Disclosure Statement and an assignment document for recording. Both the transmittal letter and filed declaration identified the international application number as PCT/US99/13191. The attorney docket number was identified as 492.186. These papers were assigned serial number 09/979,367.

On 19 November 2001, applicant filed a transmittal letter for entering the U.S. national stage under 35 U.S.C. 371 accompanied by: payment of the U.S. Basic National Fee; an executed combined declaration and power of attorney; an Information Disclosure Statement and an assignment document for recording. The transmittal letter identified the international application number as PCT/US99/13191 whereas the filed declaration listed the international application number as PCT/US99/13212. The attorney docket number was identified as 492.188. These papers were assigned the present application number 09/979,527 and processed as the U.S. National stage of PCT/US99/13191.

On 30 January 2002, applicant was erroneously mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) in application 09/979,527 informing applicant that an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 28 March 2002, applicant was mailed a "Notice of Cancellation of Assigned Serial Number" (Form PCT/DO/EO/908) informing applicant that assigned application number 09/979,367 had been cancelled and that all fees for that application had been credited to deposit account no.: 03-2270.

On 29 May 2003, applicant filed a status inquiry regarding this application.

On 01 December 2003, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of 19 November 2001 for application number 09/979,527 as the U.S. National stage application of international application PCT/US99/13191.

On 01 April 2004, applicant filed an additional status inquiry regarding this application.

On 18 November 2005, applicant filed the present petition under 37 CFR 1.182 to correct the international application number in the Form PTO-1390 filed 19 November 2001 with the desired result of the reinstatement of the papers filed 16 November 2001 as the U.S. National stage filing of international application PCT/US99/13191 and the present U.S. National stage filing being the U.S. National stage filing of international application PCT/US99/13212. As discussed above, the \$400.00 petition fee will be charged to deposit account no.: 03-2270.

### DISCUSSION

The identifying information provided on the transmittal letter filed by applicant on 19 November 2001, i.e., the title, applicant-inventor information, priority date, and international filing date correspond to both PCT/US99/13191 and PCT/US99/13212. However, a review of the papers filed 19 November 2001 reveals that the declaration included sufficient information to permit identification of the application to which it was intended to be directed, namely, PCT/US99/13212.

### CONCLUSION

For the reasons above, applicant's "Petition Under 37 CFR 1.182" is **GRANTED**.

The "Notification of Missing Requirements" (Form PCT/DO/EO/905) mailed 30 January 2002 is hereby **VACATED**.

The "Notice of Acceptance" (Form PCT/DO/EO/903) mailed 01 December 2003 is

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hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to 1) process U.S. application number 09/979,527 as the U.S. National stage application of PCT/US99/13212 using applicant's submission filed 19 November 2001 including issuance of a "Notice of Acceptance" (Form PCT/DO/EO/903) in the 09/979,527 application indicating a 371 date of **19 November 2001** and 2) removing the papers filed 16 November 2001 from the 09/979,527 application file and processing these papers as the U.S. National stage application of PCT/US99/13191.



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